UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK

Elaine Stanley,	Civil Action No.:
Plaintiff, :	
v. :	
Capital Link Management LLC, :	COMPLAINT
Defendant. :	
:	

For this Complaint, the Plaintiff, Elaine Stanley, by undersigned counsel, states as follows:

JURISDICTION

- 1. This action arises out of the Defendant's repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, *et seq.* ("FDCPA"), and the invasions of the Plaintiff's personal privacy by the Defendant and their agents in their illegal efforts to collect a consumer debt.
- 2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendant transacts business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

- 3. The Plaintiff, Elaine Stanley ("Plaintiff"), is an adult individual residing in Pickens, South Carolina, and is a "consumer" as the term is defined by 15 U.S.C. § 1692a(3).
- 4. The Defendant, Capital Link Management LLC ("Capital") is a New York business entity with an address of 100 Corporate Parkway, Suite 106, Amherst, New York 14226, operating as a collection agency, and is a "debt collector" as the term is defined by 15

U.S.C. § 1692a(6).

ALLEGATIONS APPLICABLE TO ALL COUNTS

A. The Debt

- 5. The Plaintiff allegedly incurred a financial obligation (the "Debt") to an original creditor (the "Creditor").
- 6. The Debt arose from services provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a "debt" under 15 U.S.C. § 1692a(5).
- 7. The Debt was purchased, assigned or transferred to Capital for collection, or Capital was employed by the Creditor to collect the Debt.
- 8. The Defendant attempted to collect the Debt and, as such, engaged in "communications" as defined in 15 U.S.C. § 1692a(2).

B. Capital Engages in Harassment and Abusive Tactics

- 9. On or about January 15, 2021, Capital sent a text message to Plaintiff's sister-inlaw in an attempt to collect the Debt from Plaintiff.
- 10. In its message, Capital wrongfully disclosed that Plaintiff owed a debt and further disclosed details about the Debt to Plaintiff's sister-in-law.
 - 11. Plaintiff's sister-in-law is not responsible for repayment of Plaintiff's Debt.
 - 12. Plaintiff did not give Capital permission to speak with her sister-in-law.
- 13. Capital's actions caused Plaintiff a great deal of embarrassment, humiliation and distress.

C. Plaintiff Suffered Actual Damages

14. The Plaintiff has suffered and continues to suffer actual damages as a result of the Defendant's unlawful conduct.

15. As a direct consequence of the Defendant's acts, practices and conduct, the Plaintiff suffered and continues to suffer from humiliation, anger, anxiety, emotional distress, fear, frustration and embarrassment.

COUNT I

VIOLATIONS OF THE FDCPA - 15 U.S.C. § 1692, et seq.

- 16. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
- 17. The Defendant's conduct violated 15 U.S.C. § 1692b(1) in that Defendant contacted third parties and failed to confirm or correct location information.
- 18. The Defendant's conduct violated 15 U.S.C. § 1692b(1) in that Defendant contacted third parties for purposes other than to confirm or correct location information.
- 19. The Defendant's conduct violated 15 U.S.C. § 1692b(2) in that Defendant informed third parties of the nature of Plaintiff's debt and stated that the Plaintiff owed a debt.
- 20. The Defendant's conduct violated 15 U.S.C. § 1692c(b) in that Defendant communicated with individuals other than the Plaintiff, the Plaintiff's attorney, or a credit bureau.
- 21. The Defendant's conduct violated 15 U.S.C. § 1692d in that Defendant engaged in behavior the natural consequence of which was to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- 22. The Defendant's conduct violated 15 U.S.C. § 1692e in that Defendant used false, deceptive, or misleading representation or means in connection with the collection of a debt.
- 23. The Defendant's conduct violated 15 U.S.C. § 1692e(10) in that Defendant employed false and deceptive means to collect a debt.
 - 24. The Defendant's conduct violated 15 U.S.C. § 1692f in that Defendant used

unfair and unconscionable means to collect a debt.

25. The foregoing acts and omissions of the Defendant constitute numerous and

multiple violations of the FDCPA, including every one of the above-cited provisions.

26. The Plaintiff is entitled to damages as a result of Defendant's violations.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff respectfully prays that judgment be awarded in the

Plaintiff's favor and against the Defendant as follows:

1. Against the named Defendant, jointly and severally, awarding the Plaintiff actual

damages pursuant to 15 U.S.C. § 1692k(a)(1);

2. Against each of the named Defendant, awarding the Plaintiff statutory damages

of \$1,000.00 pursuant to 15 U.S.C. \$1692k(a)(2)(A);

3. Against the named Defendant, jointly and severally, awarding the Plaintiff

recovery of the costs of litigation and reasonable attorney's fees pursuant to 15 U.S.C.

§ 1692k(a)(3);

4. Against the named Defendant, jointly and severally, awarding the Plaintiff

punitive damages in such amount as is found appropriate; and

5. Granting the Plaintiff such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: July 14, 2021

Respectfully submitted,

By <u>/s/ Sergei Lemberg</u>

Sergei Lemberg, Esq. (SL 6331)

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